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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

EPIC GAMES, INC.,

Plaintiff,

v.

APPLE INC.

Defendant.

Case No. 4:20-cv-05640-YGR-TSH

**[PROPOSED] ORDER RE NON-PARTY  
SPOTIFY USA INC.'S ADMINISTRATIVE  
MOTION TO PARTIALLY SEAL  
SPOT-EPIC-00000932**

On May 11, 2021, Non-Party Spotify USA Inc. (“Spotify”) filed an Administrative Motion to Partially Seal a document Spotify produced to Apple Inc. and Epic Games, Inc. bearing Bates numbers SPOT-EPIC-00000932 through SPOT-EPIC-00000943, if that documents is admitted into evidence or if the sealable portions of the document are discussed during the trial of this action. Through its Administrative Motion to Seal Partially Seal SPOT-EPIC-00000932, Spotify moves to seal the following portions of this document:

Portion of Document Sought to be Sealed	Evidence Offered in Support of Sealing	Ruling
Response to Request 1, pages SPOT-EPIC-00000932 – ‘0934	Declaration of Benjamin Kung ¶¶ 10–11, 16	
Response to Request 3, page SPOT-EPIC-00000935	Declaration of Benjamin Kung ¶¶ 10, 16	
Response to Request 4(3), page SPOT-EPIC-00000938	Declaration of Benjamin Kung ¶¶ 12–16	

Civil Local Rule 79-5 provides that documents, or portions thereof, may be sealed if a party “establishes that the document[s], or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law.” Civil L.R. 79-5(b). A party seeking to seal a document must submit “narrowly tailored” requests, *id.*, and overcome the “strong presumption in favor of access” that applies to court documents other than those that are traditionally kept secret. *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (citation omitted). A party attempting to seal “evidence at trial must [] articulate ‘compelling reasons’ in favor of sealing.” *United States v. Bazaarvoice, Inc.*, 2014 WL 11297188, at \*1 (N.D. Cal., 2014) (quoting *Kamakana*, 447 F.3d at 1178–79).

Compelling reasons exist to seal the information requested by Spotify for the reasons set forth in the Declaration of Benjamin Kung, which Spotify filed in support of its Administrative Motion to Partially Seal SPOT-EPIC-00000932.

Having considered Spotify’s Administrative Motion and supporting declaration, IT IS HEREBY ORDERED THAT Spotify’s Administrative Motion to Partially Seal SPOT-EPIC-00000932 is GRANTED. Accordingly, the unredacted version of the document

sought to be sealed by the Motion shall remain under seal, and the public shall have access only to the version of this document that has been redacted to remove the sealable portions of the document, as in the redacted version of Exhibit A to the Declaration of Shane M. Palmer in Support of Spotify's Administrative Motion to Partially Seal SPOT-EPIC-00000932.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_, 2021

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Honorable Yvonne Gonzalez Rogers  
United States District Judge  
Northern District of California